

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **REGULAR MEETING**

#### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, February 14, 2012**

**7:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotley, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor James Corgee

Pastor James Corgee gave the Invocation.

4. PUBLIC COMMENTS (Re: New and Outgoing Commissioners)

Mayor Minnet opened the meeting for public comment.

Charles Curtis wished everyone on the dais Happy Valentine's Day, giving special acknowledgement to Mayor Minnet.

Bob Fleishman stated the leadership the Town had for the last two years revealed how fortunate the citizens were. Commissioner Clotley's community service both within the Town and as a Town representative would long be remembered.

Ron Piersante congratulated Mayor Minnet and Vice Mayor Dodd on their unopposed reelection to the Commission; it was a first time in the history of Lauderdale-By-The-Sea that two members of the Commission ran unopposed. He thanked Commission Clotley for her service and wished her luck in her future endeavors.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

**5. ITEMS OF BUSINESS**

- a. Report of election results and request to accept certification for the January 31, 2012 Municipal Election from the Broward County Supervisor of Elections (Town Clerk June White)**

Town Clerk White reported the results of the election: Mark Brown received 879 votes and Edward Malkoon received 621 votes for Commission Seat 3, Lauderdale-By-The-Sea.

Commissioner Sasser made a motion to accept the certification for the January 31, 2012, Municipal Election as noted. Vice Mayor Dodd seconded the motion. The motion carried 5-0.

- b. Presentation by Mayor to Commissioner Clotley**

Mayor Minnet presented a proclamation to Commissioner Clotley and thanked her for her service to the Town.

- c. Comments by Commissioner Clotley**

Commissioner Clotley thanked everyone for allowing her the privilege of serving as a member of the Town Commission for the past four years. She said numerous projects had been completed during the past four years, and there was still a lot left to do. She was confident the new Commission would work hard to bring future projects to fruition. Lauderdale-By-The-Sea was a beautiful seaside town in excellent financial condition. She hoped members of the public would continue to take an active interest in Town business.

- d. Oath of Office and Personal Code of Conduct for Newly Elected Commissioners and Mayor (Town Clerk June White)**

Mayor Roseann Minnet, Commissioner Stuart Dodd and Commissioner Mark Brown collectively took the Oath of office, signing documents to execute the action accordingly.

The Personal Code of Conduct was signed by all members of the Commission.

- e. Seating of New Commission**

There was no change in the order of seating.

- f. Remarks by Newly Seated Commission**

Commissioner Brown acknowledged the presence of his parents; he thanked Commissioner Clotley, whom he felt served with honesty and integrity. Commissioner Brown was a strong advocate for the Personal Code of Conduct, as citizens had the

right to expect their elected officials to obey the law, conduct themselves appropriately, and treat the public with respect. He would seek to represent all persons in Lauderdale-By-The-Sea to the best of his ability.

Commissioner Dodd thanked everyone for their support over his previous four-year term as Town Commissioner. He appreciated the vote of confidence in both Mayor Minnet and in himself, being unopposed candidates for the January 31, 2012 Municipal Election. He was pleased to continue serving the Town and citizens in his next four-year term of office. He urged the community to continue giving him feedback in order for him to better serve them, and he promised to do a better job at listening. Commissioner Dodd looked forward to working with Commissioner Brown and hearing his point of view.

Mayor Minnet thanked the community for bestowing the honor of Mayor of Lauderdale-By-The-Sea on her for another term of office. She stated that voting her into office unopposed was a historic moment for the Town. She recognized the vote of confidence the citizens of the Town conveyed upon her and Commissioner Dodd. Mayor Minnet stated that in the past four years the atmosphere changed drastically to one of civility, transparency, and a positive, promising future for Lauderdale-By-The-Sea. She thanked her family for their continued support. She said the Commission had much to do and looked forward to working with the new Town Commission and staff to complete constructive, meaningful projects that invigorated the residential and business communities.

Commissioner Sasser echoed congratulations to Mayor Minnet and Commissioner Dodd. He noted they deserved reelection as they had done a wonderful job. Commissioner Sasser said it was an honor to serve with Commissioner Clotey; she brought a balance to the Commission that would be missed. He welcomed Commissioner Brown to the dais and looked forward working with him.

Commissioner Vincent was honored to be sitting on the dais and sharing the election with Mayor Minnet and Commissioner Dodd. He believed it to be a historic moment. He welcomed Commissioner Brown to the dais and looked forward to working with him.

**g. Set Organizational Meeting Date and Time**

There was Commission consensus to set the above stated meeting for Monday, February 27, 2012, at 5:00 p.m.

**6. BREAK FOR BRIEF RECEPTION**

Mayor Minnet recessed the meeting at 7:35 p.m. and reconvened at 7:55 p.m.

**7. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

Item 16a, Resolution 2012-04, would be considered out of order after Public Comments.

Add item 20c - appointment of chairperson to the Easter and Halloween events.

Add item 20d - discussion regarding appointments to Town boards and committees.

## 8. PRESENTATIONS

There were no presentations.

## 9. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Sunny Eckhardt congratulated the new Town Commission. She noted the Broward Humane Society and Sunny's Paws for the Cause would be holding the 22<sup>nd</sup> year walk for the animals in downtown Fort Lauderdale at Huizenga Park. The Humane Society's goal was to find loving homes for the homeless animals in South Florida. She said the funds raised went directly to help the animals, and donations were tax deductible. Donations could be dropped off at the Village Grill to Sunny Richardson, Diamonds & Doggies, and the Daisy Coffee House on Commercial Boulevard.

Joyce Murray congratulated the new Town Commission. On behalf of the Property Owners Association of Lauderdale-By-The-Sea, she invited everyone to their first meeting of the year. Ms. Murray added the Society of St. Vincent de Paul had a "Starquest" van; a free bus that transported people in need, to do grocery shopping, doctor's visits, etc. Registration was required with the Society of St. Vincent de Paul and the parish nurse. Additional information could be obtained at 954-943-9717.

John Boutin was delighted to see the Commission was considering Family Fun Week. The immediate goal was to attract more tourist families and encourage them to stay in the Town's lodging facilities and get to know the myriad of businesses by participating in fun activities. He urged the Commission to approve Family Fun Week.

Dorothy Hacker stated she appreciated that the Town got together with the businesses to promote Lauderdale-By-The-Sea. As a show of solidarity, her company, the Away Inn, donated \$500 to be used for Lauderdale-By-The-Sea events that marketed the Town.

Frank Herrmann remarked the majority of the Town's residents who reelected Mayor Minnet and Commissioner Dodd did so due to their belief that neither member of the Commission would betray the trust awarded them. Mr. Herrmann recommended persons with enormous increases in their sewer bill first confirm there were no leaks before complaining to Town staff. He believed the cost for water should be determined only by the amount of metered water entering the dwelling and not by meter size, number of units, type of business, etc.

Amy Weiss believed it was extremely important to redevelop the area and enhance the Town's entrance. Improvements would benefit local business while beautifying Lauderdale-By-The-Sea.

Mark Silver expressed support for the west Commercial design package, as well as Family Fun Week event, to which he was willing to contribute.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

#### **10. PUBLIC SAFETY DISCUSSION**

There were no reports.

#### **11. TOWN MANAGER REPORTS**

##### **a. Town Manager Report**

Commissioner Dodd supported efforts to cite code violations in the hotel/motel industry in the Town, and code enforcement should seek every avenue to bring pressure to bear on these businesses to ensure guests received good value for their money. He requested future Chamber of Commerce monthly reports include information on hotel complaints received. On the issue of marketing the Town and the involvement of local businesses in the effort, he thought it was premature to do so.

Commissioner Dodd made a motion to accept the report. Commissioner Vincent seconded it. The motion carried 5-0.

#### **12. TOWN ATTORNEY REPORT**

Town Attorney Trevarthen said the Broward League of Cities (BLC) offered ethics training on Thursday, February 16, 2012. She said her law firm was participating in the training. Attorney Trevarthen added that traditionally, the Town Attorney set a training session following the appointment of all the Town board and committee members, and the Town Commission could participate.

#### **13. APPROVAL OF MINUTES**

Commissioner Dodd made a motion to approve the minutes as listed. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- a. January 10, 2012, Regular Meeting Minutes**
- b. January 17, 2012, Special Meeting Minutes**
- c. January 19, 2012, Workshop Meeting Minutes**

#### **14. CONSENT AGENDA**

Items 14a, 14b, 14c, 14e, 14f and 14g were pulled for discussion.

Commissioner Dodd made a motion to approve items 14d, 14h, 14i and 14j on Consent. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- a. Commission Approval of one (1) Hardship Permit Application – Beachside Village Resort, 4564 N. Ocean View Drive (Town Clerk June White)**

Commissioner Dodd asked staff to include in future permit applications whether the previous ownership applied for a hardship permit.

Commissioner Dodd made a motion to approve the Hardship Permit Application for Beachside Village Resort. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

- b. Sewer Rate Study (Town Manager Connie Hoffmann)**

Commissioner Brown stated that, as a condominium resident, the water and sewer bill was divided equally among all condominium units. He added that all the toilets throughout his building were checked for leaks, including those of absentee owners. Commissioner Brown said so many leaks were fixed that their building saved 180,000 gallons of water in the last few months. He encouraged residents with problems with their sewer bills to first check to ensure their plumbing had no leaks. Commissioner Brown understood many property owners were unhappy with the current sewer rate methodology. He cautioned that a study could prove there were inequities in the way the sewer rate was assessed, and the recommendations might include increasing the rates for those opposing the current methodology. He noted it would be more difficult to challenge the findings, as this was an independent study requested of the Town by property owners. On the issue of the Sewer Reserve Fund, Commissioner Brown felt it was necessary in order to address sewer infrastructure emergencies. He requested that Mr. Burton recommend in his study what he considered a reasonable amount for the Town to maintain in its Sewer Reserve Fund. There were those who wanted language in place that restricted the Town's ability to use monies in the Sewer Reserve Fund for anything else.

Town Attorney Trevarthen responded funds in the Sewer Reserve Fund were segregated and the use limited to repairs/upgrades of the Town's sewer system.

Town Manager Hoffmann advised there was no legal restriction on the use of the reserve dollars for expenses unrelated to the sewer system. The Commission would have to take action in that regard, whether by ordinance or resolution.

Commissioner Dodd made a motion to approve Burton & Associates to conduct the Sewer Rate Study as recommended by Town staff. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

Town Manager Hoffmann indicated she would confer with Mr. Burton to discover if he could suggest an amount the Town should keep in its Sewer Reserve Fund.

c. Alley Oop Beach Use Agreement (Town Manager Connie Hoffmann)

Commissioner Vincent expressed concern with how the Town was charging Alley Oop for the beach use services under the agreement. He did not advocate the Town having a revenue share with any business, but preferred a standard event or use permit fee for Lauderdale-By-The-Sea businesses wishing to do street closures use the beach. Alley Oop should be treated as an event requiring a standard event permit with a standard fee all businesses paid. The Town only generated minimal dollars from the agreement with Alley Oop and should discontinue the lengthy contract. Alley Oop was the only business in the Town with such an agreement. Commissioner Vincent believed Alley Oop should pay the minimum permit application fee of \$100 paid by other street closure applications to allow them to conduct their events.

Vice Mayor Sasser believed that when the matter came up for discussion, the Town had revenue share contracts with other businesses.

Town Manager Hoffmann affirmed there had been karate and tennis instruction agreements. The karate instructor made no money, so he withdrew; and the tennis instructor was in about the same position. The Town had not renewed his agreement despite the instructor's request to do so, as it produced almost no income for the Town.

Commissioner Vincent was all in favor of revenue sharing with businesses located outside of Lauderdale-By-The-Sea who wished to use the Town's public right of ways or facilities; he did not support such actions for local businesses.

Town Manager Hoffmann confirmed the karate and tennis instructors were not based in the Town.

Commissioner Dodd asked if under an event permit, the Town could still cover all the legalities included in a contract.

Town Attorney Trevarthen responded there was a distinction between the revenue model and the form of the agreement. The same agreement could be written but have a fixed charge, and it would require less bookkeeping responsibilities.

Town Manager Hoffmann indicated when Alley Oop submitted their application, she checked the code and recalled some provision that vendors needed a license or permit from the Town for commercial use of the beach. When Commissioner Vincent brought the subject matter to her attention the previous day, she understood his point.

Town Attorney Trevarthen would investigate what the Town was legally required to do under such circumstances. The Town's code did speak generally to revenue-generating activities in Town parks, including the beach area, and that there had to be a permit for those vendors to engage in such activities.

Town Manager Hoffmann noted, rather than treat Alley Oop as a special event it would be treated as a regular permit application for use of a Town recreational facility.

Vice Mayor Sasser said it seemed the difference could be a permit for an event, such as an annual one, versus an everyday business with a storefront. He agreed that Town staff should ensure the Town's liability for the event was covered in the permit as it was in the contract.

Town Attorney Trevarthen pointed out the matter of revenue was separate, as issuing a permit would not remove the other aspects contained in a contract as far as the protection from liability established for the Town.

Mayor Minnet mentioned her support for keeping Alley Oop in the Town, noting she too had been concerned with liability issues. She wondered if persons giving lessons on the beach were required to get a Town permit.

Town Attorney Trevarthen replied this was how such issues had been approached, per Section 14.3.5 of the Town's code pertained to the matter of discussion; it included services being sold in a park, including the beaches.

Mayor Minnet expressed concern over the kite flying, diving and surfboard lessons taking place on the Town's beaches.

Town Attorney Trevarthen suggested framing Commissioner Vincent's motion as the rule and request the Town Manager follow up, examine and identify the various rates that would fill in section 2.1 of the agreement. The Commission could vote at present to set the standards they wished Town staff to follow.

Town Manager Hoffmann recommended amending the agreement to remove revenue sharing and allow for the fee charged by the Town for an event permit.

Town Attorney Trevarthen indicated this was an acceptable solution.

Commissioner Vincent made a motion to charge a flat permit fee only to businesses located in Lauderdale-By-The-Sea to hold recreational activities, with liability insurance as required. Commissioner Dodd seconded the motion. The motion carried 5-0.

- d. Memorial Day Beach Bash Special Event Application from Aruba Beach Café to hold an Event on May 28, 2012 (Assistant Town Manager Bentley)**



This item was approved on Consent.

- e. St. Patrick's Day Special Event Application from the Village Grille and 101 Ocean (Assistant Town Manager Bentley)

Mayor Minnet noted the events under items 14e and 14f were both Saturday night events, and they requested permits to extend the music until midnight; at present, they were allowed music until 10:30 p.m. with a reduction in the decibel reading at 10:00 p.m. Extending the time on such dates as New Year's Eve or Fourth of July was fine, but she was concerned about doing so for St. Patrick's Day events. She suggested possibilities, including allowing no live music after 11:00 p.m. with any taped music played at a controlled decibel reading.

Commissioner Dodd wished the approval to contain the condition Broward Sheriff's Office (BSO) had the authority to shut down both events at midnight.

Commissioner Dodd made a motion to approve items 14e and 14f as submitted, with the time extended to midnight. Commissioner Vincent seconded the motion. The motion carried 4-1. Mayor Minnet voted no.

- f. Music By The Sea – Change in Time for the St. Patrick's Day Event on March 17, 2012 (Assistant Town Manager Bentley)

This item was considered and voted upon along with item 14e.

- g. Work Authorization for Design of Commercial Boulevard Streetscape from the Intracoastal Bridge to Seagrape Drive (Town Manager Connie Hoffmann)

Commissioner Brown commented he received an overwhelmingly favorable response from voters about the proposed improvements.

Commissioner Brown made a motion to approve the above Work Authorization. Commissioner Dodd seconded the motion. The motion carried 5-0.

- h. Commission Approval for Issuance of Five (5) Parking Permits to be used in the Bougainvillea Drive / A1A Parking Lot from March 1, 2012 thru February 29, 2013, by Nova Southeastern University Staff during Sea Turtle Stranding and Disorientation Events (Town Clerk June White)

This item was approved on Consent.

- i. Sign Code (Report of Planning Priority #3) Budget Revision (Town Planner Linda Connors)

The budget revision for the consultant on the sign code was approved on Consent.

- j. A1A North Enhancement Project – Acceptance of a Landscape Easement from the Ocean Sounds Condominium (Assistant Town Manager Bud Bentley)

This item was approved on Consent.

**15. ORDINANCES – PUBLIC COMMENTS**

**1. Ordinances 1<sup>st</sup> Reading**

There were no ordinances on first reading for consideration.

**2. Ordinances 2<sup>nd</sup> Reading**

There were no ordinances on second reading for consideration.

**16. RESOLUTIONS – PUBLIC COMMENT**

- a. **Resolution 2012-04: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF (name) AS VICE-MAYOR; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE**

Mayor Minnet opened the meeting for public comment and, with no one wishing to speak, she closed the public comment portion of the meeting.

Commissioner Dodd nominated Commissioner Sasser for the position of Vice Mayor.

Commissioner Brown recommended Commissioner Vincent for the position of Vice Mayor.

Commissioner Vincent supported the nomination of Commissioner Sasser as Vice Mayor.

Commissioner Dodd made a motion to adopt Resolution 2012-04, appointing Commissioner Scot Sasser as Vice Mayor. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Brown voted no.

- b. **Resolution 2012-05: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SUPPORTING EARTH HOUR 2012 ON MARCH 31, 2012 AND URGING ALL INDIVIDUALS, BUSINESSES, AND GOVERNMENTS WITH THE TOWN OF LAUDERDALE-BY-THE-SEA TO TURN OFF ALL NON-ESSENTIAL LIGHTING ON THIS DATE BETWEEN 8:30 PM AND 9:30 PM.**

Mayor Minnet opened the meeting for public comment and, with no one wishing to speak, she closed the public comment portion of the meeting. She noted the proposed resolution was being forwarded by the BLC, and they were urging everyone to shut off all nonessential lights on March 31 for an hour.

Commissioner Dodd made a motion to adopt Resolution 2012-05. Commissioner Vincent seconded the motion. The motion carried 5-0.

- c. **Resolution 2012-06: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AND DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A GRANT APPLICATION FOR FUNDS AVAILABLE THROUGH FDOT DISTRICT IV TRANSPORTATION ENHANCEMENT PROGRAM FOR FY14/15 FDOT WORK PROGRAM; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Minnet opened the meeting for public comment and, with no one wishing to speak she closed the public comment portion of the meeting.

Commissioner Brown received a call from the president of one of the condominiums in the south end of the Town, asking when they would receive landscaping in their area. He told the resident the Town was planning a south entryway project that would include landscaping and other aesthetic enhancements.

Town Manager Hoffmann noted the Town had budgeted funds in the current fiscal year to begin the design phase of the south entryway project; the project would be funded for construction in the subsequent two fiscal years.

Commissioner Dodd made a motion to adopt Resolution 2012-06. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

#### **17. QUASI-JUDICIAL PUBLIC HEARINGS**

There were no quasi-judicial items for public hearings.

#### **18. COMMISSION COMMENTS**

Commissioner Brown wished everyone Happy Valentine's Day.

Vice Mayor Sasser reiterated his appreciation of the people's trust in him, which he would do his best to uphold.

Commissioner Vincent wished everyone a Happy Valentine's Day. He recently attended the Community Foundation of Broward's second annual "For Good" Awards that recognized persons who found their passion, redefined retirement and made Broward

County a better place to live. He wanted the Commission to know that Sandra Booth, an outstanding Town resident and activist in the community, was nominated for her work with the Mental Health Association of Broward County. The specific program for which Ms. Booth was nominated was called "Listen to Children".

Mayor Minnet reported, this past Sunday she had attended an event hosted by the Bocce Club featuring the Florida Amputees Support Team (FAST). At the event, she heard of the many challenges the men and women of FAST dealt with on a day-to-day basis, and their inspiration made her very grateful to have all of her limbs. She said Municipal Services Director Don Prince's name came up repeatedly in conversations about his being instrumental in making sure the two groups got together. She reminded the Commission of the ethics training session by BLC on February 16, 2012, at 3:30 p.m. at the Renaissance Hotel in Plantation; the meeting would focus specifically on Broward County ethics requirements.

**19. OLD BUSINESS**

**a. Friedt Family Plaque (Municipal Services Director Don Prince)**

Municipal Services Director Prince sought Commission direction about the installation of the plaque on the monument sign and how the cost should be covered.

Commissioner Brown supported the inclusion of the plaque, though he wished for some cost sharing on the plaque. He unsuccessfully tried contacting Mr. Friedt to discover how much of the cost of the plaque the family was willing to cover. He questioned how past situations were handled by the Town with regard to plaques.

Municipal Services Director Prince said the portals containing prominent residents' names were funded either through the Town or with grants. He would research as to the other monuments and relay his findings to the Commission.

Vice Mayor Dodd thought the Town should pay for the plaque. He apologized to the Friedt family, as it should not have been necessary for them to bring the matter to the Commission's attention; the sign should never have been removed.

Commissioner Dodd made a motion to approve the Town's funding the cost for the construction and installation of the bronze plaque honoring the Friedt Family. Commissioner Vincent seconded the motion. The motion carried 5-0.

**b. Family Fun Week Co-Sponsorship (Assistant to the Town Manager Pat Himmelberger)**

Assistant to the Town Manager Himmelberger reviewed the details of Family Fun Week. The overall cost for marketing event was \$5,000 with a goal to raise \$2,500 from participating hotels, retailers and restaurants.

Commissioner Vincent thought the event was good for the Town. It was obvious local businesses were enthusiastic about the event. If the 2012 event was successful, it was likely to generate sufficient donations and contributions in the future so that the Town would only host the event.

Commissioner Brown favored Family Fun Week. The business community was showing strong support for the event and the Town was actively working with the private sector to produce the event. He did not understand the Town's marketing strategy, the relationship with the Chamber of Commerce, and where the new ad hoc marketing group fit into the picture. It appeared the Town was now selecting a specific event to market the Town and using public funds for the effort. He wanted a clearer picture of the Town's marketing strategy.

Town Manager Hoffmann said Commissioner Brown's point was well taken, noting the Town did not have a cohesive marketing strategy. Town staff was drafting an RFP for a marketing consultant to aid them in laying out that strategy. RFPs were normally sent to the Commission by email and, since this was such an important topic, the matter should be scheduled in the near future for Town Commission discussion.

Commissioner Brown made a motion to approve staff's recommendation reflected in the backup. Commissioner Vincent seconded the motion. The motion carried 4-1. Commissioner Dodd voted no.

c. Set Date for Public Meeting on Proposed Beach Nourishment Project (Town Manager Connie Hoffmann)

Town Manager Hoffmann said when Eric Myers made a presentation to the Commission and the public, the Commission decided to hold a public workshop once the County solidified some of its ideas. The County recently told Town staff it decided on trucking in the sand from upstate sand mines as opposed to pumping the sand from offshore locations. She pointed out two sections of the Town were included in the project: one from south of the pier ending at the Town's southern boundaries; the second was located in the far north of the Town. Mr. Myers would be invited to make a full presentation to the Commission, after which they would decide if the Town would participate. Town Manager Hoffmann noted it was unknown what participation in such a project would cost the Town; the County had a project cost estimate but it was unclear if there would be any federal or state funding allocated for this project; this directly affected how much the Town would be asked to contribute. The project would be disruptive, not only due to trucks dumping sand onto the beach, but there would be heavy equipment moving the sand on the beach. She noted this had to take place during tourist season to protect the turtles.

Commissioner Dodd received complaints that the trucked in sand would make the water cloudy and tended to smother the reef. He requested staff explore the situation further before asking the Commission to grant approval. Town staff needed to secure assurance from the County that the sand would not jeopardize the Town's reefs.

Commissioner Brown commented that the sand treated for beach replenishment was put through a grinder; it was possible to adjust the grinder to produce an acceptable consistency for the sand.

Mayor Minnet stated the Town could opt in or opt out of the project, or determine it should take place only in the north or the south. This activity would take place over the course of multiple tourist seasons, and everyone in the Town would be impacted by the project. She indicated if the Town participated in the program, it would have to be funded through the Capital Improvement Program (CIP), and Town staff had to get an estimate of those costs for inclusion in the CIP for the next fiscal year.

There was a Commission consensus to set a Special Commission meeting for March 5, 2012, at 6:00 p.m. Notice of the meeting would be sent out to businesses and condominiums along the beach and placed on channel 78 and on the Town's website.

Commissioner Brown said despite the disruption the proposed project would bring to the Town, there were very beneficial elements, as the beaches were the life blood of the Town's economy. With regard to funding, the federal government had yet to pay its share for the last phase of a similar project completed some two years prior, but the project could not be delayed any longer, as there were condominiums along Galt Ocean Mile that were practically in the water at high tide. The Town's beaches were much wider and in better condition than to the south and might not require as much replenishing; thus, the matter could be considered in two ways: the overall project and the portion specifically affecting Lauderdale-By-The-Sea.

Mayor Minnet emphasized the Town Commission needed to focus on what was best for the Town, She asked for the meeting date to be mentioned at the Town's ad hoc meetings on the marketing plan, as owners of hotels/motels and local businesses attended them.

## **20. NEW BUSINESS**

- a. Consideration of starting the February 28, 2012, Commission meeting earlier due to heavy agenda (Town Manager Connie Hoffmann)**

Mayor Minnet received a Commission consensus to begin the meeting at 6:00 p.m.

- b. Charter Review Board (Commissioner Mark Brown)**

Commissioner Brown asked that the Charter Review Board application deadline be extended for another two weeks with Town staff providing more information on the website and channel 78 as to the basic responsibilities of the Charter Review Board, and how often they would meet. He thought the Commission could deal with some of the issues at the organizational meeting, such as how many members would comprise the Charter Review Board, and how were they to be appointed.

Mayor Minnet said information was sent out in reference to the Charter Review Board membership and the deadline was already being extended. She mentioned the need for the Commission to make its appointments to the P&Z Board and the Board of Adjustments by February 28, 2012.

Commissioner Brown felt there was not a significant pool of applicants the Charter Review Board.

Mayor Minnet briefly reviewed the procedures for appointing members to the boards and committees that would be elaborated on at the organizational meeting on February 27, 2012, at 5:00 p.m. She noted if further clarification was made as to the qualifications applicant needed to be eligible to serve, this would be unfair to applicants, as the appointments had to be made on February 28.

Commissioner Brown asked when members of the Commission would have the opportunity to weigh in on the issues for the Charter Review Board.

Town Attorney Trevarthen responded there was no code governing the Charter Review Board other than the Charter requirement that they meet a certain number of times each 12 years. The Commission would be involved with setting the various parameters.

Mayor Minnet indicated the Commission already directed a number of matters for the Charter Review Board to consider. She said members for the Charter Review Board did not have to be appointed on February 28, the selection process could be delayed.

Town Manager Hoffmann suggested extending the deadline for applicants for the two abovementioned boards to February 21, 2012. The Town's Audit Committee had to be selected as well. She noted on the meeting agenda for February 28, appointments to the following boards and committees would be made:

- Appointment of a Commissioner to the MPO
  - Appointment of the Audit Committee members
  - Appointment of the Planning & Zoning Board members and alternates
  - Appointment of the Board of Adjustment members and alternates
- c. Appoint Chairpersons to the Easter, Halloween and Fourth of July Town Events (Mayor Roseann Minnet)

Town Attorney Trevarthen said that a safe harbor opinion stated it was acceptable for Commissioners to chair Town event committees. They had to remain cognizant of the need to approach their duties in certain ways to ensure they did not conflict with the new County ethics code.

Vice Mayor Sasser felt the Commission should make a decision on whether Commissioners should continue to chair the committees or should the task be assigned

to Town staff. He requested the matter be placed on the February 28, 2012 meeting for further discussion, and the matter of the Charter Review Board could be included for discussion at the organizational meeting on February 27.

Mayor Minnet requested a list of all the Town boards and committees for review at the February 27 organizational meeting to facilitate a discussion on qualifications, and the number of members and alternates.

**d. Discussion regarding appointments to Town Boards and Committee (Mayor Roseann Minnet)**

This item was discussed under item 20b and c. Appointments would be considered at the Organization Meeting on February 27, 2012, at 5:00 p.m.

**21. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:52 p.m.

**22. FUTURE AGENDA ITEMS**

\_\_\_\_\_  
Mayor Roseann Minnet

ATTEST:

\_\_\_\_\_  
Town Clerk, June White CMC

\_\_\_\_\_  
Date